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| In re Application of | : | |
| SCHUNDLER | : | |
| Application No.: 10/595,111 | : | |
| PCT No.: PCT/US04/27142 | : | |
| Int. Filing Date: 19 August 2004 | : | DECISION |
| Priority Date: 20 August 2003 | : | |
| Atty. Docket No.: 5579 103UA 20879 USA | : | |
| For: DISTRIBUTED CALL CENTER | : | |
| SYSTEM AND METHOD FOR... | : | |

This is a decision on applicant's "RENEWED PETITION UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 20 August 2007.

BACKGROUND

On 10 August 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the basic national fee prior to the expiration of 30 months from the priority date.

On 10 October 2006, applicant filed an initial petition to revive which was accompanied by the requisite petition fee.

On 20 June 2007, this office mailed a decision dismissing applicant's petition on the grounds that the requisite response, i.e., the basic national fee, had not been filed.

On 20 August 2007, applicant filed the present renewed petition which was accompanied by, *inter alia*, a credit card payment form and a declaration of the inventor.

On 21 August 2007, applicant submitted a second credit card payment form by fax transmission.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that an application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) the proper reply; (2) the requisite petition fee; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) for applications having an international filing date before 08 June 1995, a terminal disclaimer and fee. As previously indicated, applicant had satisfied items (2) and (3), and item (4) is not required.

With respect to item (1), a review of the application file, and specifically the 20 August 2007 submission, reveals that the credit card payment form submitted on that date is unacceptable in that it indicates that the credit card had expired as of July 2006. Further, it is noted that on 21 August 2007 applicant submitted a corrected credit card payment form. However, in that this second form was submitted by fax transmission, the payment cannot be accepted in that the basic national fee cannot be submitted by fax transmission in accordance with 37 CFR 1.6(d)(3).

The above notwithstanding, a review of the 20 August 2007 submission reveals that it also contains an authorization to charge any necessary fees to counsel's deposit account. As such, the basic national filing fee of \$150, as well as the search fee of \$50, the examination fee of \$100, and the requisite fee of \$65 for submission of the search and examination fees and the declaration later than 30 months from the priority date have all been charged to Deposit Account No. 19-5425.

A review of the application file reveals that, upon payment of the above noted fees and with the submission of the present declaration in compliance with 37 CFR 1.497, the application now satisfies the requirements of 35 U.S.C. 371 for entry into the national stage.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an international filing date of 19 August 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of 20 August 2007.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.



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